



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SLT:SD/UAD/LXN
F.# 2008R02226

271 Cadman Plaza East
Brooklyn, New York 11201

March 23, 2012

By ECF

Gerald L. Shargel, Esq.
570 Lexington Avenue, 45th Floor
New York, New York 10022

Re: United States v. Rosemond, et al.
Criminal Docket No. 11-424 (S-3)(JG)

Dear Mr. Shargel:

The government hereby submits a response to the defendant's letter dated March 19, 2012 requesting additional discovery and a bill of particulars pursuant to Rule 16.

With regard to the defendant's discovery request, the government hereby informs the defendant of the following:

1. The government is no longer in possession of the two vehicles referenced in the July 6, 2011 Rule 16 letter. As per protocol of the United States Marshall Service, the Dodge charger was sold at an auction in January 2012 and the Lexus was returned to the financing company on May 23, 2011.

2. Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, the government filed a letter providing expert notice on March 22, 2012.

3. The government will provide 3500 materials two weeks prior to trial on April 23, 2012.

4. a) Concerning the defendant's request for unredacted copies of the DEA reports, the government has redacted specific identifiers unique to the DEA filing system. Because no redaction affected the substance of the report, the government will not provide any additional copies of unredacted DEA reports.

b) As per the defendant's request for handwritten notes, any such notes will be provided as part of the 3500 materials for any witness who will be testifying.

c) As per the defendant's request for handwritten notes taken by Assistant U.S. Attorneys of the Southern District of New York, the government has been informed that no such handwritten notes exist.

5. As per the defendant's request for any remaining discovery from "any seized computer, blackberry or email accounts," the government has provided the defendant such discovery on September 12, 2011 in a DEA report Bates-numbered 101W111000106 and Blackberry000001-00000175, a DEA report Bates-numbered Blackberry N-205 and emails Bates-numbered N20500001-N205000016. Additional discovery was provided on March 12, 2012, entitled Rosemond Blackberry, Bates-numbered 1-370.

6. With respect to the defendant's request for Rule 404(b) evidence, the government intends to provide such notice two weeks prior to trial on April 23, 2012.

7. With respect to the defendant's request for notice of its intent "to offer any statement not specifically covered by the hearsay exception," the government does not intend to offer any such statements.

8. With respect to the defendant's request for "demonstrative evidence," the government will provide any such evidence as it becomes available, but no later than two weeks before trial.

With regard to the defendant's request for a Bill of Particulars, it is the government's position that the superseding indictment, together with the information the government has provided in discovery on July 6, 2011, September 12, 2011, March 7, 2012, March 12, 2012 and March 23, 2012, adequately informs the defendant of the specific nature of the charges against him and affords him ample opportunity to prepare a defense to the charged offenses. As such, a Bill of Particulars is unnecessary and unwarranted. If you continue to believe that the voluminous information produced in discovery is insufficient to allow

